

bbPie Electronics, Inc.
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DATE: 7-28-05 **TIME:** 9:30 a.m.
TO: COMMISSIONER FOR PATENTS **FAX:** 703-872-9306
FROM: DARREN PIECZYNSKI **PHONE:** 906 224-9095
bbPie Electronics, Inc. **FAX:** Same
RE: AMENDMENT PER OFFICE ACTION
CC:

Number of pages including cover sheet: 8
Message

Please find the attached Amendment to Claims per received Office Action.

Darren E. Pieczynski
bbPie Electronics, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re: Application of:

Darren E. Pieczynski

Serial No. 10/066,27^{267 PF}

Filed: 02/02/2002

For: Ice Fishing Tip-up Display

Group Art Unit: 3643

Examiner: Rowan, Kurt

AMENDMENT

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed April 15, 2005 and phone conference discussion with the examiner of May 4, 2005. It is also now amended to address the Notice of Non-Compliant Amendment mailed June 7, 2005. Per phone conversation with Ms. Cofer, the \$100 additional claim fee has been waived and eliminated due to a misunderstanding by Ms. Cofer. It is even further now amended to address the Notice of Non-Compliant Amendment mailed July 12, 2005. The Claims and Remarks have been moved to separate pages.

Claim 1 was rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 1 recites the limitation "said flag arm position" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim. Page 7, lines 22 - 25 explain the identification of the flag arm position

AMENDMENT - Page 1

by the present invention. The attached amended claims correct the insufficiencies of the limitation.

Claim 1 was rejected as being unpatentable over Muenchow in view of Eppley et al. The examiner states that Muenchow shows a reflective enclosure 25, 35. The applicant claims nowhere in Muenchow's specifications or claims is the word reflective stated. Per our phone conference and in the office action the examiner states that a lens is inherently reflective as with the example given of a car taillight lens. The applicant respectfully disagrees for two reasons. One, a car taillight possesses reflective materials in the lens to make the lens reflective. A plastic lens by itself is not reflective in the definition of the word, "to throw back light from a surface". A lens by definition is "...a transparent device used to refract light rays so that they converge or diverge to form an image". The applicant states definitions from Webster's Dictionary above and also where refract is a deflection and not a reflection. Muenchow does not state his lens or enclosure is reflective. Second, Muenchow's invention has been commercialized and the applicant has personally reviewed the commercialized product. The lens stated is not reflective or contain reflective properties. It is used to refract the light rays of the led. The present invention possesses a reflective enclosure of the light assembly where the enclosure is made or covered with reflective property materials.

Claim 1 is also rejected in view of Eppley showing a tipup having a reflective enclosure and having a light source. The applicant states that Eppley does not reference reflective in the specification or claims. Eppley states a bulb where Webster defines a bulb as "an incandescent light" where incandescent is again not reflective though "giving off light when heated". Eppley's invention also utilizes a metal spring to make the electrical contact for the power source to light source. Eppley's invention will not work with varying tip-ups where the spring is not

metal or conductive such as a plastic coil spring. Eppley's claims also comprise of the tip-up and lighting device. The current invention is usable on all tip-up devices and not to a specific tip-up as in Eppley's claims.